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OFFICE OF PETITIONS

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In re Application of  
Lutz et al.  
Application No. 09/488,298  
Filed: January 20, 2000  
Attorney Docket No. 3874-128 US

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed April 10, 2002 and supplemented on June 19, 2002, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a proper response to a final Office Action which was mailed on August 22, 2001. The final Office Action set a three (3) month shortened statutory period for reply. A one (1) month extension for reply was obtained under the provisions of 37 CFR §1.136(a). An advisory action mailed February 12, 2002 informed applicant the amendment filed on January 30, 2002 (certificate of mailing date December 5, 2001) did not place the application in condition for allowance. Accordingly, this application became abandoned on December 23, 2001. A Notice of Abandonment was mailed on March 22, 2002.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

A three (3) month extension of time was requested. However, pursuant to 37 CFR §1.136, an extension of time must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988) Petitioner's six (6) month statutory period expired on February 23, 2002. Petitioner is ineligible for any extensions of time. Accordingly, deposit account number 13-2165 will be credited with \$350.00 for fees paid to acquire an extension of time.

The Request for Continued Examination (RCE) and the previously filed amendment of January 30, 2002 (certificate of mailing date December 5, 2001) will be forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

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